

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5075 of 2017

Bhaiyalal, S/o. Jagnarayan Harijan, Aged About 32 Years, Caste Harijan,
R/o. Village Chapda, Police Station & Tahsil- Odgi, District Surajpur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Odgi, District Surajpur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.29/2016 registered at Police Station- Odgi, District Surajpur (C.G.) for the offence punishable under Section 341, 506, 323, 376(2)(G) of Indian Penal Code & Section 4 & 6 of the Protection of Children from Sexual Offence Act, 2012. The first bail application was dismissed on merit on 22.08.2016 and subsequent bail application was dismissed on merit on 20.03.2017.
2. Case of the prosecution, in brief, is that on 08.04.2016, Bhaiyalal, Pawan alongwith other co-accused persons while the prosecutrix was coming back was stopped in her way and took her to the school and gang rape was committed. Thereafter, one of the co-accused Nageshwar called Manikchand Kurre, who assaulted the prosecutrix and thereafter left her at certain place. Subsequently, the report was made on 10.04.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that now the prosecutrix has been examined, therefore, no further evidence is required. He further submits that the prosecutrix was a consenting party, therefore, considering the statement, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection orders and the documents. The earlier bail application was dismissed on merit on 20.03.2017 even after the examination of the prosecutrix. Therefore, at this stage, I do not find any change of circumstances to reconsider the instant third bail application.
6. Accordingly, the third bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge